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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SABAHATTIN CAKIRAL
SCHWARZER WEG 9
DARMSTADT, 64287
GERMANY

EXAMINER

AIRAPETIAN, MILA

ART UNIT

PAPER NUMBER

3625

MAIL DATE

DELIVERY MODE

12/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/509,045

Applicant(s)

CAKIRAL, SABAHATTIN

Examiner

MILA AIRAPETIAN

Art Unit

3625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-20 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-20, 22-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant's amendment received on 11/24/2008 is acknowledged and entered. The applicant has amended claims 17. Currently, claims 17 -20, 22-25 are pending for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burnett (U.S. Patent Application Publication 20020087408) in view of Kocher (US 20040256454).

As per claim 17. Burnett teaches "a method of checking properties of wares or services, the method comprising: providing a first database in which the properties of wares or services are stored, the wares or services being identified by a unique product identification code" (see Burnett paragraphs 177), "providing a database in which user profiles containing exclusion or desired criteria for the wares or services for each respective user are stored" (see Burnett paragraphs 408-411), "a particular user selecting a ware or service and determining the product identification code therefor"

(see Burnett paragraphs 142 and 177), "retrieving the properties of the wares or services on the basis of the determined product identification code" (see paragraphs 148-151), "retrieving the exclusion or desired criteria for the particular user" (see Burnett paragraphs 408-411; where user profile information is stored on the application server or translation server.), "comparing the retrieved exclusion or desired criteria for the wares or services with the retrieved properties of wares or services" (see Burnett paragraphs 408-411; where user profile information, such as geographic location, are compared to the product properties (including product location).), and "advising the particular user of the result of the comparison" (see Burnett paragraphs 408-411; where a user notified of the results. This is the same as advising the user of the results.). Although Burnett teaches that the user profiles can be stored in either the translation server or application server, Burnett fails to explicitly teach that the user profile information is stored in a second database. Examiner takes Official Notice that it is old and well-known in the art to store distinct information in a separate database. In other words, is it old and well-known in the art to store product information in a first database and contact/user information in a second database. The advantage of such a feature is that it promotes data integrity. It would have been obvious, at the time of the invention, to one of ordinary skill in the art to modify Burnett to include this feature in order to promote data integrity.

However, Burnett does not explicitly teach that said exclusions are based on user selectable templates, that provide criteria to avoid allergies.

Kocher teaches recording foods and medicines by scanning and relating scanned data to a stored medical profile specific to an individual wherein data included in the items database such as nutrients and chemicals content of the product with the medical profile stored in the medical profile database in the memory in order to warn the user from possible allergy or incompatibility to some items consumed. Alternatively, the database may be a specific medicine profile, such as one individually entered specific for the user, or one derived from medicine barcodes, including prescription barcodes, derived from prior barcode scans of prior purchases [0036], [0063].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Burnett to include that said exclusions are based on user selectable templates, that provide criteria to avoid allergies, as suggested in Kocher, to warn the user from possible allergy or incompatibility to some items consumed [0036].

Also, Burnett does not explicitly teach that said product identification code is read by a mobile device. Official Notice is taken that it is old and well known to use mobile device for scanning and obtaining information about the scanned items. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Burnett to include that said product identification code is read by a mobile device, to provide real time information to the customer.

As per claim 18, Burnett teaches "the exclusion and desired criteria and said properties are stored in a structured manner, and wherein properties and said exclusion and desired criteria are retrieved by carrying out a hierarchical search" (see Burnett paragraph 239).

As per claim 19, Burnett teaches "a user profile containing said exclusion and desired criteria are stored in a mobile device and the comparison takes place in the mobile device upon receipt of the properties of the wares or services from a central server, or wherein said user profile is transmitted to said central or decentralized server and said comparison takes place in said central server" (see Burnett paragraphs 379-385).

As per claim 20, Burnett teaches "inputting the properties of the wares or services and user profiles containing exclusion or desired criteria in a configuration step" (see Burnett paragraphs 408-411).

As per claim 21, Burnett teaches "the product identification code is a bar code" (see Burnett paragraph 178).

As per claim 22, Burnett teaches "the product identification code is configured as a unique link on the Internet which is adapted, when activated, to access the first database, wherein the particular user enables access to the exclusion or desired criteria, and wherein the comparison operation takes place on a central server" (see Burnett figures 5A-5L).

As per claim 23, Burnett teaches "access to the exclusion or desired criteria is enabled by a cookie stored on a device associated with the particular user (see Burnett paragraph 250).

As per claim 24, Burnett teaches "the product identification code is stored as unique information on the Internet, wherein a client computer reads the product identification code and retrieves the properties of the wares and services from the first database over the Internet, the client computer retrieves the exclusion or desired criteria from said database, which is either at a central server or in a local database on the client computer, and effects said comparison" (see Burnett paragraphs 135-136, 177, 408-411, and figures 5A-5L). Burnett fails to explicitly teach a "second database". This limitation is addressed in the rejection of claim 17; therefore the same rejection applies to this claim.

As per claim 25, Burnett teaches "said exclusion or desired criteria are associated in said database with a unique identification code for each user, and said exclusion or desired criteria are retrieved from said database on the basis of said unique user identification code" (see Burnett paragraphs 408-411). Burnett fails to explicitly teach a "second database". This limitation is addressed in the rejection of claim 17; therefore the same rejection applies to this claim.

Response to Arguments

Applicant's arguments with respect to claims 17-20, 22-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MILA AIRAPETIAN whose telephone number is

(571)272-3202. The examiner can normally be reached on Monday-Friday 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. A./
Art Unit 3625

/Jeffrey A. Smith/
Supervisory Patent Examiner, Art
Unit 3625